IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE B.PRAKASH RAO
WRIT PETITION NO : 4920 of 1994

Between:

1. Smt. A.Janaki
   W/o Suryanarayana Raju
   House wife, R/o Tunki Khalsa Village,
   Waragal Manda, Medak District.
2. Smt. P.Anuradha, W/o P.Rajam Raju
   occupation house wife.
   Hyderabad.

..... PETITIONERS

AND

1. Government of A.P.
   Rep. By its Secretary
   Revenue Department
   Secretariat, Hyderabad.
2. The Collector
   Medak District.
3. The Joint Collector
   Medak District, Sangareddy.
4. The Revenue Divisional Officer,
   Medak District, Siddipet.
5. The Mandal Revenue Officer
   Wargal Mandal, Medak District.
6. D.Siva Ramayya,
   Aged about 85 years, R/o Tunki
   Khalsa Village, Wargal Mandal
   Medak District.
   (Respondent No.6 Dismissed for default as
   per court order dated 04.08.1999).

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the acts of the respondents in trying to assigning the petitioners lands in S.No.468, admeasuring

Ac.13.21 guntas situated at Tunki Khalsa Village, Wargal Mandal, Medak District is null and void and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of the justice.

Counsel for the Petitioner: MR.V.H.V.R.R.SWAMY

Counsel for the Respondents 1 to 5: GP FOR REVENUE

The Court Made the Following :

ORDER:

Heard the learned counsel for the petitioners and also the learned Government Pleader for the Revenue.

The petitioners who, claim to be the possessors of the land in Survey Nos.468 and 469 situated at Tumki Khalse Village, Warangal Mandal, Medak District, filed this writ petition *inter alia* challenging the action of the respondent Nos.2 to 5 herein, to assign the land on the ground that the land in Survey Nos.468 and 469 cannot be treated as excess land within the meaning of Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act.

The facts in brief are that the respondent No.6 herein was a protected tenant in the said land and in spite of the same, the aforesaid lands have been included in the holding of the original owner namely T. Venkata Reddy. Thereafter, the matter was carried by way of an appeal before the relevant appellate authority wherein the appellate authority had deleted the lands from holding of the appellant therein and both the said lands in Survey Nos. 468 and 469 have been protected and cannot be covered under Section 38-E of A.P.(Tenancy and Agricultural Land) Act and also that they cannot be assigned to anybody and in LRA.No.31 of 1994 dated 22.04.1994 the said exclusion is reiterated.

The complaint of the petitioners is that in spite of such

exclusion, now the respondents are trying to take the very same land to assign.

Having heard the learned counsel on either side and on perusal of the material available on record, it is seen that there is no dispute that the respondent No.6 is a protected tenant and the said claim is already decided by the appellate authority not only on one occasion but on two occasions, and the later one is in L.R.A.No.31 of 1994.

In view of the above discussion, the writ petition is liable to be allowed.

Accordingly, the writ petition is allowed. No costs.

That Rule Nisi has been made absolute as above.

Witness the Honble Sri Devinder Gupt, the Chief Justice on this

FRIDAY the EITHTEENTH DAY of JUNE two thousand AND FOUR.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

P.T.O

Copy to:

1. The Secretary,
   Government of A.P.
   Revenue Department
   Secretariat, Hyderabad.
2. The Collector
   Medak District.

3. The Joint Collector
   Medak District, Sangareddy.
4. The Revenue Divisional Officer,
   Medak District, Siddipet.
5. The Mandal Revenue Officer
   Wargal Mandal, Medak District.
6. 2 CCs to G.P. FOR REVENUE, High Court of A.P. Buildings, Hyderabad. (OUT)
7. 2 CD copies.